



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,356	08/19/2004	Gerald J Julien	Ice US1	5987

EXAMINER	
WALTERS, JOHN DANIEL	

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
05/14/2010	PAPER

7590 05/14/2010

J. Michael Neary
53939 Pine Grove Road
LaPine, OR 97739

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 14 2010

J. Michael Neary
53939 Pine Grove Road
LaPine, OR 97739

In re Application of:	:	DECISION ON PETITION
Gerald Julien	:	UNDER 37 CFR 1.181
Application No. 10/505,356	:	
Filed: August 19, 2004	:	
Attorney Docket No.: Ice US1	:	
For: NITINOL ICE BLADES	:	

This is in response to applicants' petition under 37 CFR 1.181 filed May 5, 2009 requesting the Examiner to respond to the Applicant's Request for Clarification filed on February 9, 2009.

The Petition is **GRANTED**.

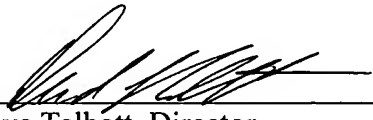
The applicant is requesting a more thorough review and explanation of the Declaration under 1.132 filed June 30, 2006 and the Report filed August 4, 2008. Neither has been fully addressed during the prosecution of the application.

A review of the record reveals repeated attempts by the applicant to have the Declaration and Report addressed. The Declaration under 1.132 was originally filed June 30, 2006. The examiner mailed a non-final rejection October 17, 2006, but did not address the Declaration. The applicant filed a Request for Clarification October 20, 2006 requesting that the Declaration be entered and considered, and then filed an amendment January 17, 2007 with a copy of the Declaration, and requested that the Declaration be considered again. A supplemental response was filed February 28, 2007. The examiner mailed a Final rejection May 21, 2007, but did not fully address the Declaration. Applicant filed an Appeal Brief October 17, 2007, and in response, the examiner mailed a Non-final rejection February 11, 2008. Applicant filed a Request for Reconsideration May 12, 2008, and on August 4, 2008, filed a Report providing additional evidence related to the Declaration. The examiner mailed a Final rejection February 6, 2009, but did not fully address the Declaration nor the Report. A Request for Clarification was filed February 9, 2009 requesting that the Declaration and Report be addressed. Applicant then filed a Petition under 37 CFR 1.181 on May 6, 2009 and

ultimately an Appeal Brief July 6, 2009. An Examiner's Answer was mailed September 2, 2009 and a Reply Brief was filed November 2, 2009.

In light of the Petition and review of the record, a new Final Rejection will be mailed fully addressing the Declaration and Report.

The application will be forwarded to the examiner of record to treat the Request for Clarification filed February 9, 2009, the Report filed August 4, 2008, and the Declaration under Rule 1.132 filed January 17, 2007 (originally filed June 30, 2006).

A handwritten signature in black ink, appearing to read "Dave Talbott", is written over a horizontal line.

Dave Talbott, Director
Patent Technology Center 3600

/pnd/